

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7839 of 2025

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1. Rajesh Kumar Ksheatry Son of Jivalal Ksheatry, Resident of Ksheatry Niwas, Gorkha Police Colony, P.O.-Sahay Nagar, Dhanaut Mahuabagh, Dist-Patna, Bihar-801506.
 2. Sanjeev Kumar Pradhan, Son of Late Prem Bahadur Pradhan, Resident of Sarojni Palli, Prakash Nagar, P.O.-Salugara, P.S.-Bhakti Nagar, Dist-Jalpaiguri, West Bangal-734008.
 3. Vikash Kumar Ksheatry, son of Naresh Ksheatry, Resident of BSAP-1, P.S.-Hawaiadda, Dist-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Home Department, Govt. of Bihar, Patna.
2. The Director General of Bihar Military Armed Police (DGP, BSAP), Bihar, Patna.
3. The Inspector General of Police, BSAP, Bihar, Patna.
4. The Superintendent of Police, BSAP, Patna.
5. The Deputy General of Police, BSAP, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar Sharma, Advocate
For the Respondent/s	:	Mr. Raj Kumar Singh, GA-10
		Mr. Jitendra Kumar, AC to GA-10

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-04-2026 Heard learned counsel for the petitioners and learned
counsel for the State.

Re: IA No. 01 of 2025

2. Learned counsel for the petitioners seeks
permission to withdraw the present interlocutory application,
i.e., IA No. 01 of 2025.

3. Permission, as prayed for, is granted.



4. Accordingly, I.A. No. 01 of 2025 stands dismissed as withdrawn.

Re: CWJC No. 7839 of 2025

5. The present writ petition has been filed for the following reliefs:-

I. For the issuance of appropriate writ/s, order/s, or direction/s in the nature of Mandamus commanding the concerned respondents to ensure the creation/allocation of post Literate Additional-Sub-Inspector (A.S.I) under Battalion-1 of Bihar Special Armed Police (formerly Bihar Military Police) in light to the Memo no. 780/ सै० पु० dated 26.04.2011 (i.e. proposal made to the Government) issued under the signature of assistant of the Inspector General of Police, BSAP, Bihar.

II. For the issuance of an appropriate writ/s, order/s, or direction/s in the nature of Mandamus commanding the concerned respondents to promote the petitioners to the post of Literate Assistant Sub-Inspector (A.S.I.), in compliance of the departmental seniority list published vide Memo no. 1553/ से० पु० dated 05.09.2011 issued under the signature of assistant of the Inspector General of Police, BSAP, Bihar as the petitioners fulfill all the eligibility sought



for the said promotion.

III. For the issuance of an appropriate writ in the nature of Mandamus commanding the concerned respondents to grant the promotional benefits to the petitioners equivalent to the Assistant Sub-Inspector under BSAP-I.

IV. For any relief/s for which the petitioner is entitled and as Your Lordship may deem fit and proper in the facts and circumstances of the case.

6. Learned counsel for the petitioners submits that the petitioners' name has been recommended by their Commandant before the D.I.G., Bihar Special Armed Police, Patna, vide Annexure- P/8 (i) (ii) but no decision has been taken.

7. Learned counsel for the State submits that, vide Annexure-R/B, the representation of the petitioners has been received, and the Commandant has recommended the matter before the D.I.G., Bihar Special Armed Police, Patna, on 18.10.2023, and the matter is pending due to constraints.

8. It transpires to this Court that the Bihar Special Armed Police Act, 2021 (Act No. 03 of 2021) [hereinafter referred to as 'Act of 2021'] has been notified, according to which rules are to be framed by the Director General of Bihar



Military Armed Police, and under Section 4(2) of the Act of 2021, the Director General of Police has been made responsible for the implementation of the said Act.

9. It is, therefore, directed to the Director General of Police, Bihar, who is the head of the Bihar Military Armed Police under Section 4(2) of the Act of 2021, to consider and dispose of the representation of the petitioners and to pass an order within 90 days in accordance with the Rules framed under the Bihar Special Armed Police Act, 2021.

10. It is made clear that if the Rules are not available, the authority shall ensure framing of the Rules and shall pass order with regard to the promotion of the petitioners in accordance with the Rules.

11. In the present writ petition, respondent No. 2 is the Director General of Bihar Military Armed Police (DGP, BSAP), Bihar, Patna, and under Section 4(2) of the Act of 2021, the Director General of Police, Bihar has been held responsible for putting the law into force. Therefore, there is no need for adding the Director General of Police separately, as under the law, the Director General of Bihar Military Armed Police, Bihar, Patna, and the Director General of Police, Bihar shall be treated as one and the same person in accordance with Section 4(2) of the Act



of 2021, till the appointment of the Director General of Police,
Bihar Military Armed Police.

12. Accordingly, the present writ petition stand
disposed off.

(Dr. Anshuman, J.)

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